



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, JUNE 20, 2001

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chair Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Fred Gomez- Maintenance Worker I- Parks
Tony Haro- Groundskeeper- Parks
Tim Johnson- Groundskeeper- Parks
Robert Romo- Groundskeeper- Parks
Public Works

CITY COUNCIL REPORT

Council Member Tate

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS
ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT
IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT
AGENCY.**

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 through #19 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

- | | |
|----|--|
| 1) | <u>MAY 2001 FINANCE AND INVESTMENT REPORT</u> 1
<u>Recommended Action(s):</u> <u>Accept and File</u> Report. |
| 2) | <u>SANTA CLARA COUNTY LIBRARY AGREEMENT FOR FUNDING OF DESIGN OF PROPOSED
LIBRARY IN AN AMOUNT NOT-TO-EXCEED \$679,995.00</u> 27
<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Enter into Agreement with the Santa Clara
County Library Joint Powers Authority for Development of Design Documents for the Construction |

of a Renovated or New Library Facility.

- 3) **ADOPTION OF REVISED JOB DESCRIPTIONS AND SALARY RANGES FOR THE POSITIONS OF BUILDING INSPECTOR/FACILITIES MAINTENANCE COORDINATOR AND UTILITY SUPERVISOR** 37
Recommended Action(s):
1. **Adopt** the Revised Job Description and Salary Range for Position of Building Inspector/Facilities Maintenance Coordinator; and
2. **Adopt** the Revised Job Description and Salary Range for Position of Utility Supervisor.
- 4) **APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 101** 51
Recommended Action(s): **Approve** Two-year Memorandum of Understanding with AFSCME Local 101.
- 5) **APPROVAL OF RESOLUTION NUMBER 5486 PROVIDING COMPENSATION FOR CITY OF MORGAN HILL MANAGEMENT AND CONFIDENTIAL EMPLOYEES, AND APPROVAL OF COMPENSATION FOR UNREPRESENTED EMPLOYEES** 123
Recommended Action(s):
1. **Adopt** Management Resolution No. 5486, and
2. **Approve** Proposed Compensation Changes for Unrepresented Employees as Outlined in Attachment B.
- 6) **APPROVAL OF RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT ONLY WITH RESPECT TO MEMBERS OF A SPECIFIC EMPLOYEE ORGANIZATION AND FIXING THE EMPLOYER'S CONTRIBUTION** 135
Recommended Action(s):
1. **Adopt** Resolution No. 5493.
- 7) **CONTRACT FOR DOCUMENT IMAGING SYSTEM AND RELATED TECHNICAL TRAINING AND SUPPORT** 139
Recommended Action(s):
1. **Award** Contract; and
2. **Authorize** the City Manager to Execute a Contract with IKON Business Information Services for a Document Imaging System at a Cost Not to Exceed \$45,307.
- 8) **PROFESSIONAL SERVICES AGREEMENT FOR SCADA SYSTEM UPGRADE** 149
Recommended Action(s): **Authorize** the City Manager to Enter into a Consultant Agreement with Carollo Engineers for the Design of the Supervisory Control and Data Acquisition System (SCADA) Upgrade, Not-to-Exceed \$108,000.
- 9) **PROFESSIONAL SERVICES AGREEMENT FOR BOYS RANCH RESERVOIR SOILS ENGINEERING SERVICES** 155
Recommended Action(s): **Authorize** the City Manager to Enter into a Consultant Agreement with Lowney Associates for Soils Engineering at the Boys Ranch Reservoir site, Not-to-Exceed \$49,500.
- 10) **APPROVAL OF EXTRA WORK PURSUANT TO MORGAN HILL PARTNERS SUPPLEMENTAL AGREEMENT FOR BOYS RANCH RESERVOIR WORK** 163
Recommended Action(s):
1. **Authorize** Extra Work Pursuant to the May 6, 1998 Supplemental Agreement for Extra Civil Engineering Work, for Additional Sum of \$4,557; and

2. **Authorize** Final Payment of \$22,106 to Venture Corporation.

- 11) **APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR ARCHITECTURAL DESIGN OF THE PUBLIC WORKS OFFICE EXPANSION PROJECT** 165
Recommended Action(s): **Authorize** the City Manager to Execute a Consultant Services Agreement for Architectural Design Services for the Public Works Office Expansion Project at a Cost Not-to-Exceed \$51,300 with RMW Architecture & Interiors.

- 12) **APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR DESIGN SERVICES RELATED TO THE COMMUNITY PLAYHOUSE PROJECT** 175
Recommended Action(s): **Authorize** the City Manager to Execute a Consultant Services Agreement for Design Services Related to the Community Playhouse Project at a Cost Not-to-Exceed \$25,460 with Harris & Associates.

- 13) **ACCEPTANCE OF THE CITY OF MORGAN HILL WEST ANNEX PARKING LOT AND UTILITY IMPROVEMENTS PROJECT** 181
Recommended Action(s):
 1. **Accept** as Complete the West Annex Parking Lot and Utility Improvements Project in the Final Amount of \$385,055; and
 2. **Direct** the City Clerk File the Notice of Completion with the County Recorder's Office.

- 14) **FOX HOLLOW/MURPHY SPRINGS LANDSCAPE MAINTENANCE DISTRICT** 185
Recommended Action(s):
 1. **Adopt** Resolution No. 5490 to Initiate the Proceedings for the Levy of Assessments for Fiscal Year 2001-02,
 2. **Adopt** Resolution No. 5491 to Provide Preliminary Approval of the Engineer's Report and the Proposed Assessment Levy; and
 3. **Adopt** Resolution No. 5492 to Declare the City Council's Intention to Levy the Assessments in the District and to Set the Public Hearing Date for July 25, 2001.

- 15) **MADRONE BUSINESS PARK ASSESSMENT DISTRICT ACQUISITION AGREEMENT AMENDMENT** 277
Recommended Action(s): **Approve** Amendment No. 1 to the Acquisition Agreement with Toeniskoetter & Breeding, Inc. Development.

- 16) **HOUSEHOLD HAZARDOUS WASTE MANAGEMENT CONTRACT** 283
Recommended Action(s): **Authorize** the City Manager to Execute the First Amendment to the Agency Agreement for Countywide Household Hazardous Waste Collection Program in the Amount of \$20,000 of City Funds.

- 17) **HOUSING ELEMENT ADVISORY COMMITTEE** 297
Recommended Action(s):
 1. **Approve** Recommended Make Up of Advisory Committee for the Housing Element Update; and
 2. **Authorize** the City Clerk to Advertise and Recruit Applicants for the Advisory Committee.

- 18) **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2001 QUARTERLY REPORT NO. 2** 299
Recommended Action(s): **Accept** the Report by Minute Action.

19)	<u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL PLANNING COMMISSION MEETING MINUTES OF JUNE 6, 2001</u>	315
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PUBLIC HEARINGS:

	Time Estimate		Page
20)	35 minutes	<u>ZONING AMENDMENT, ZA-00-14: OAK PARK - GENTILE</u>	321
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of the Zoning Amendment (ZA) Ordinance No. 1514, N.S.; <u>Motion to Introduce</u> Ordinance No. 1514, N.S. by Title Only.	
21)	15 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-00-08: BERKSHIRE -SINGH</u>	349
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of the Development Agreement (DAA) Ordinance No. 1516, N.S.; <u>Motion to Introduce</u> Ordinance No. 1516, N.S. by Title Only.	
22)	20 minutes	<u>ZONING AMENDMENT, ZA-01-03: CITY OF MORGAN HILL - ZONING TEXT AMENDMENT</u>	363
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of the Zoning Amendment (ZA) Ordinance No. 1515, N.S.; <u>Motion to Introduce</u> Ordinance No. 1515, N.S. by Title Only.	
23)	5 minutes	<u>TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA. APPLICATION ZA-01-08</u>	373
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <u>Motion to Waive</u> the Reading in Full of the RDCS Ordinance No. 1517, N.S.; <u>Motion to Introduce</u> Ordinance No. 1517, N.S. by Title Only.	

PUBLIC HEARING:

	Time Estimate		Page
24)	30 minutes	<u>PUBLIC HEARING FOR ADOPTION OF 2001/2002 BUDGET</u>	395
		<u>Recommended Action(s):</u> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion.	

City Council Action

Action – Motion to Adopt Resolution No. 5489 Adopting the 2001/02 Annual City Budget and the Appropriations Limit for Fiscal Year 2001/02.

Redevelopment Agency Action:

Action – Motion to Adopt Resolution No. MHRA - 231 Adopting the 2001/02 Annual Agency Budget.

City Council and Redevelopment Agency Action:

Action – Motion to Approve the Capital Improvement Plan

City Council Action

CONSENT CALENDAR: (continued)

The Consent Calendar, Agenda Items #25 through #29 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	

The Following Items Are Contingent upon the Approval of the 2001-02 Budget.

25)	<u>APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR DESIGN OF 2001-02 STREET RESURFACING PROJECT</u>	405
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> Harris and Associates Proposal for Design Services for the 2001-02 Streets Resurfacing Project; and	
	2. <u>Authorize</u> the City Manager to Enter into an Agreement with Harris and Associates in an Amount Not-to-Exceed \$136,265.	
26)	<u>AWARD OF CONTRACT TO PROVIDE PUBLIC WORKS INSPECTIONS SERVICES ON AN AS-</u>	

		<u>NEEDED BASIS</u>	423
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> the FY01-02 Professional Services Contract with Testing Engineers, Inc. (TEI) to Provide Public Works Inspection Services on an As-Needed Basis at a Not-to-Exceed Cost of \$127,000; and	
		2. <u>Authorize</u> the City Manager to Execute the Contract.	
27)		<u>RESOLUTION APPROVING AGREEMENT WITH THE UNION PACIFIC RAIL ROAD (UPRR) FOR IMPROVEMENT COSTS ASSOCIATED WITH THE MAIN AVE/UPRR AT-GRADE CROSSING</u>	429
		<u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5488 Approving the Agreement for Cost Reimbursement for the Construction of Concrete Panels at the Main Ave/UPRR At-Grade Crossing Improvements.	
28)		<u>PUBLIC WORKS MAINTENANCE CONTRACTS FOR FY 2001-2002</u>	437
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> Funds for and Award the Maintenance Contracts for: 1) Labor Services for Potable Water Sampling and Analysis, 2) Emergency Pump Maintenance and Repair for Booster Stations, 3) Landscape Maintenance Services, 4) Generator Maintenance Services, 5) Traffic-Signal maintenance and 6) Meter Maintenance, Calibration and Replacement Services; and	
		2. <u>Approve</u> One Year Extensions to Agreements for 7) Telekey SCADA Systems, Inc., 8) County of Santa Clara - Striping of Traffic Lane Lines/Legends/School Crossings and 9) Shimada Landscape, Inc.	
29)		<u>AWARD OF CONTRACT TO PROVIDE PLAN CHECKING SERVICES ON AN AS-NEEDED BASIS</u>	527
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> the FY 01-02 Contract with Harris & Associates to Provide Contract Plan Checking Services on an As-Needed Basis at a Not-to-exceed Fee of \$95,000; and	
		2. <u>Authorize</u> the City Manager to Execute the Contract.	
<u>OTHER BUSINESS:</u>			
	Time		Page
	Estimate		
30)	5 minutes	<u>APPEAL OF NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 1710</u>	535
		<u>Recommended Action(s):</u>	
		1. <u>Direct</u> Staff to Prepare a Letter Stating the City's Opposition to NFPA 1710; and	
		2. <u>Direct</u> Staff to Notify the League That the City Supports Their Appeal.	
31)	5 minutes	<u>ARCHITECTURAL AND SITE REVIEW BOARD (ARB) TERMS OF OFFICE</u>	537
		<u>Recommended Action(s):</u> <u>Appoint</u> Two (2) Board Members to Terms of Office Expiring March 1, 2002 and Three (3) Board Members to Terms of Office Expiring March 2, 2003.	
32)	10 minutes	<u>DEVELOPMENT ASSETS APPROACH AS A FRAMEWORK GUIDING ALL YOUTH-RELATED POLICIES AND PROGRAMS IN THE CITY</u>	539
		<u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5487 Which Sets Forth the Development Assets Approach as a Framework Guiding All Youth-Related Policies and Programs in the City.	
33)	5 minutes	<u>COMPUTER SUPPORT SERVICES CONTRACT</u>	563
		<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute the Agreement for	

Computer Support Services in the Amount of \$149,000.

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

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| 34) | 1 minute | <u>ADOPT ORDINANCE NO. 1511, NEW SERIES</u> 577
An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement for a 14-unit Portion of a Single-Family Housing Project on a 20-Acre Site Located on the South Side of E. Dunne Ave., Adjacent to the East Side of the Church Located at 1790 E. Dunne Ave. (APN 817-19-009 & 49) |
| 35) | 1 minute | <u>ADOPT ORDINANCE NO. 1512, NEW SERIES</u> 581
An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement and a Six-month Exception to the Loss of Building Allotment for a 4-lot Subdivision Which Was Awarded Allocations Through the Residential Development Control System for FY 2000-2001 (One Unit) and FY 2001-02 (Three Units) (APN 728-11-026) |
| 36) | 1 minute | <u>ADOPT ORDINANCE NO. 1513, NEW SERIES</u> 587
An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance No. 1457, New Series, to Amend the Development Agreement to Incorporate a One Year Exception to the Loss of Building Allocation for Application MP-99-12: Hale Ave.-Glenrock. (APN 764-09-05, 07, 08, 09, 10 & 14) |

City Council & Redevelopment Agency Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #37 through #40 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate		Page
Consent Calendar: 1 - 10 Minutes		
37)	<u>APPROVAL OF JOINT REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 30, 2001</u>	593
38)	<u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 30, 2001</u>	601
39)	<u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION MEETING MINUTES OF JUNE 6, 2001</u>	603
40)	<u>APPROVAL OF JOINT REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY</u>	

MEETING MINUTES OF JUNE 6, 2001 605

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSIONS:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
(1 potential case)

3.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
Attendees:	Council Members; Helene Leichter, City Attorney; Ed Tewes, City Manager
Closed Session Topic:	Potential Litigation

ADJOURN TO CLOSED SESSIONS:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT